

# AN ANTI-TRUST LAW

## Penalties Provided For Trade Restraining Combinations

### COMPETITION MUST BE OPEN

Full Text of the Measure, Embracing Amendments, Which Finally Passed the State Legislature.

Following is the full text of the anti-trust bill as passed by the Legislature, which has just adjourned, and the supplemental act, also adopted and ratified by that body:

An Act prohibiting conduct within the State of North Carolina which interferes with trade and commerce.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person or corporation to directly or indirectly be guilty of any of the acts and things specified in any of the sub-sections of this section.

(A) For any person, firm, corporation or association to make a sale or lease of any goods, wares, merchandise, articles or things of value, whatever, in North Carolina, whether directly or indirectly or through any agent or employees upon the condition that the purchaser thereof shall not deal in the goods, wares, merchandise or things of value, of the competitor or rival in the business of the person, firm, corporation or association, making said sale.

(B) For any person, firm, corporation or association to directly or indirectly, wilfully destroy or injure or undertake to destroy or injure the business of any opponent or business rival in the State of North Carolina, with the purpose or intention of attempting to fix the price of anything of value when the competition is removed.

(C) For any person, firm, corporation or association which directly or indirectly buys or sells within the State, through himself or itself or through any agent of any kind, or as agent or principal or together with through any allied subsidiary or dependent person, firm, corporation or association, as much as 50 per centum in quantity of any article or thing of value which is sold or bought in the State to injure or destroy the business of any rival or opponent by lowering the price of any article or thing of value sold, so low or by raising the price of any article or thing of value bought, so high as to leave unreasonable or inadequate profit at a time and with the purpose of increasing the profit on the business when such rival or opponent is driven out of business, or his, their or its business is injured.

(D) For any person, firm, corporation or association dealing in any thing of value within the State of North Carolina to give away or sell in a place where there is competition, any thing of value at a price lower than is charged by such person, firm, corporation or association, for the same thing at another place, where there is not sufficient reason for charging less at the one place than at the other, with the view of injuring the business of another.

(E) For any person, firm, corporation or association engaged in buying or selling anything of value in North Carolina to make or have any agreement or understanding, express, or implied with any other person, firm, corporation, or association, not to buy or sell said things of value within certain territorial limits within the State with intention of preventing competition in selling or to fix the price or prevent competition in buying or selling things of value with these limits, provided nothing herein shall be construed to prevent an agent or representative more than one principal. But nothing in this provision shall be construed to authorize two or more principals to employ a common agent for the purpose of suppressing competition or lowering prices.

Sec. 2. That any corporation, person or agent or principal, violating any of the provisions of this act shall be guilty of a misdemeanor and such corporation shall, upon conviction, be fined not less than \$1,000 for each and every offense, and every person violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500 or imprisoned in the discretion of the court.

Sec. 3. That any person being within or without the State who encourages or wilfully allows or omits any agent or associates in business in this State to violate any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 2 hereof.

Sec. 4. That where the things provided in section one of this act are continuous, then, in such event, after the first violation hereof, each week of the violation of such provision shall constitute a separate offense.

Sec. 5. That the provisions of this act shall not be construed so as to restrict the common law doctrine preventing unlawful combinations in trade, which is hereby re-

enacted and declared to be in full force in this State except as may be inconsistent with the other provisions of this act.

Sec. 6. That if it shall be made to appear upon affidavit to any solicitor, the affidavit may be made upon information and belief and when made, upon information and belief it shall state the ground upon which the affidavit is made and if reasonable in this State that any corporation has violated or is violating any of the provisions of this act within the judicial district of such solicitor, it shall be the duty of such solicitor to apply to a judge of such judicial district or a judge holding the courts of such judicial district, for an order to cause such corporation, its officers and agents, or either of them, to appear before such judge at a time and place to be named by him, which time shall not be less than five days from the issuing thereof to show cause why such corporation, its officers and agents or either of them should not produce before such judge at a time and place to be named, all the papers, books and records of such corporations and if the judge shall be satisfied that such productions should be made, he shall make an order requiring such corporations, its officers and agents or either of them to produce all of its papers, books and records to be examined by such solicitor in the presence of such judge. If any corporation, its officers, or agents, shall fail to appear or shall fail to produce such papers, books or records as may be required, he or it shall be guilty of a misdemeanor and it shall be the duty of such solicitor to proceed to prosecute such corporation, its officers or agents. The said solicitor in case of the conviction of a corporation shall be paid a fee of \$200, to be taxed against the corporation, and in case of the conviction of an individual a fee of \$100 to be taxed against said individual.

Sec. 7. This act shall be in force from and after July 10th, one thousand, nine hundred and seven.

In the General Assembly read three times and ratified, this the eleventh day of March, A. D. 1907.

FRANCIS D. WINSTON,

President of the Senate.

E. J. JUSTICE,

Speaker of the House of Representatives.

Examined and found correct.

G. L. LIVERMAN,

For committee.

### Supplemental Act.

An act supplemental to a bill which has passed the Senate and House of Representatives to prohibit conduct in the State of North Carolina which interferes with trade and commerce.

Whereas, An act of the General Assembly has passed the Senate and House of Representatives, entitled as shown in the caption above, and

Whereas, Provision is made in the said act for investigation and prosecution for the offenses therein named, and

Whereas, In said act it is not provided that a person subpoenaed to testify shall be immune from prosecution for or by reason of matters disclosed by his or her testimony, and

Whereas, It may be difficult, if not impossible, to discover or punish for crimes committed in violation of said act if witnesses are permitted to refuse to testify upon the ground that the testimony might tend to incriminate the witness.

Therefore, The General Assembly of North Carolina do enact:

Section 1. That no person who is subpoenaed and required by the State to testify under the provisions of the acts passed at the present session of the General Assembly, entitled, "An act to prohibit conduct within the State of North Carolina which interferes with trade," shall be prosecuted or convicted on account of matters disclosed by the testimony of such witness, nor shall the testimony of such witness be received or used in any court in any prosecution against him or her.

Sec. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, A. D. 1907.

FRANCIS D. WINSTON,

President of the Senate.

E. J. JUSTICE,

Speaker of the House of Representatives.

Examined and found correct.

WILSON,

For the committee.

### For Road Improvement.

Wilson, Special.—At a recent meeting of the Business Men's Association and citizens generally the new road for Wilson township was considered. Under the bill this township will vote on a \$100,000 bond issue for permanent road improvement. None of the money, however, will be spent in the town of Wilson. The meeting was enthusiastic for the bond issue, and many speeches were made in support of the measure.

Wm. J. Oliver Made President of U. S. Trust Company.

Washington, Special.—William J. Oliver of Knoxville, Tenn., whose bid for the construction of the Panama canal, recently was rejected, was elected vice president of the United States Trust Company, of this city, which was recently organized with a capital of \$1,000,000. Daniel M. Morgan, former United States Treasurer, is president.

# NEW LAWS ENACTED

## Summary of the Work Done By Legislature.

### MANY RAILROADS CHARTERED.

Thirty Counties Allowed to Improve Their Roads.—The Important Resolutions—Insurance Legislation—A Mass of Miscellaneous Measures.

The important laws enacted by the legislature are summarized by the Raleigh correspondent of the Charlotte Observer as follows:

#### The Important Resolutions.

The following are the most important resolutions which were adopted: Requesting Congress to vote for the Appalachian Forest Reserve and asking the Governor to go to Washington in the interest of that measure.

Endorsing the second Hague Peace conference.

Endorsing the Jamestown Exposition, appropriating \$20,000 more to it and allowing the North Carolina building to be sold and the proceeds used by the commission.

Making a \$5,000 gift to the cruiser North Carolina.

Urging Congress to improve the upper Cape Fear river.

Also urging it to prohibit polygamy.

To secure a change in the constitution so Senators will be elected by a direct vote of the people.

Bills were passed eliminating whiskey from the following counties: Burke, Lincoln, Catawba, McDowell, Madison, Cherokee, Macon, Cabarrus, Cleveland, Rutherford, Northampton, Stanly, Scotland, Cumberland and Mecklenburg.

#### Road Improvements.

Thirty counties were allowed to improve their roads and very large bond issues allowed to be voted on for this purpose in the counties of Franklin, Forsyth, Durham, Rowan, Wake, Granville and Buncombe, ranging from \$100,000 to \$300,000.

At no session of the Legislature have charters been granted to so many railroads; the following is the list: North Carolina Union, Southport, Northern & Western, Raleigh & Winston-Salem, Northampton & Hertford; Western Carolina, Bladen & Northern; Rockingham & Caswell; Randolph & Cumberland; Graham County, Washington & Vandemere; Nantahala, Dover & Southdown; Tuckaseegee, Elkin & Alleghany; Virginia & Eastern Carolina, Virginia & Carolina Southern, Deep River & Farmers Creek, Alleghany & Piedmont Southern, Southwestern, Greensboro, Seaboard & Great Western, Mattamuskeet, Kinston & Carolina, Monroe & Southern, Franklin & Smoky Mountain. Bills were also passed allowing Buncombe, Henderson and Rutherford counties to subscribe stock for a competing railway between Asheville and Rutherford; to allow the consolidation of the Aberdeen & West End, the Asheville & Montgomery and the Jackson Springs railways; to allow the conversion of the Wilkesboro & Jefferson turnpike to a steam or electric railway.

#### For Schools.

In the way of schools and school matters, bills passed incorporating the Stonewall Jackson Training School or reformatory. To establish a reformatory.

To establish a manual training school in the mountains.

To establish a teachers training school in the East.

A school of Technology at Spray.

To aid the Elthamman Orphanage at Marion.

To allow elections to be held in townships or school districts upon the subject of compulsory education.

To require deaf mutes to attend the State school at Morganton and to limit the attendance to North Carolina children.

To require 16 weeks attendance each year of children between ages of 8 and 14 years.

To provide a safe and adequate water supply for all schools, public and private.

Creating a system of public high schools, the number for each county to be fixed by the State superintendent of public instruction to be not less than one or more than four.

#### Railway Matters.

A great deal of attention was given railway matters, and the following are the important bills which passed:

To fix the maximum passenger rate at 2 1-2 cents per mile.

To regulate freight rates and prevent unjust discrimination.

To prevent public dringing in passenger cars.

To require railways to keep passenger cars clean.

To allow conductors and station agents to arrest drunk, disorderly or boisterous persons.

To allow railways to construct belt lines at towns.

To require one director and one incorporator of all railways to be a citizen and resident of this State.

To allow the corporation commission to require union depots in towns of 2,000 persons.

To require street railways to provide separate accommodations for negroes and whites.

To prevent stealing of goods in transit, and also to prevent stealing of trunks and other railway property.

To greatly enlarge the powers of the corporation commission.

#### Miscellaneous Measures.

Other important bills of a miscellaneous character are as follows:

To restore dentists to their former dignity as doctors.

To allow judges and magistrates to exclude all persons except those concerned in trials for felonious assault, to receive, buy, hold or sell real or personal estate.

To regulate sales of leaf tobacco on warehouse floors and require reports to the agricultural department.

To prevent usury and extortion.

To extend for two years the time for settling the State debt.

To promote public decency by punishing people for using indecent signs, writings and pictures in public.

To allow the Governor to appoint special police for water power, transportation and construction companies.

To provide for the care of the mentally deficient by providing special institutions for them.

To prevent the sale of adulterated or misbranded foods, drugs, medicines and liquors.

To increase the number of State challenges in all cases less than capital.

To allow the Governor traveling expenses.

To allow judges to send criminal boys under 16 to the reformatory or county home.

To extend the crime of vagrancy so as to include keepers or inmates of disorderly houses.

To prevent and punish trusts and combines.

To authorize the State board of health to provide for preventive treatment of tuberculosis by means of a hospital in Moore county.

To regulate the writing of prescriptions by physicians.

To protect electrical power transmission lines.

To require the penitentiary to pay its debt bonds of 1899, amounting to \$110,000 and to pay \$175,000 of its earnings into the treasury to go to the central fund.

To separate tuberculosis prisoners.

To require the commissioners of agriculture and the board of agriculture to be practical farmers.

To require registration of trained nurses.

To protect makers and dealers in mineral waters.

To amend the law regarding removal of cloud on titles.

To protect primary elections and conventions and punish fraud thereat.

To pay half fees to officers and witnesses where no true bill is found.

To extend time for obtaining land grants.

To regulate osteopathy and create a State board of examiners.

To protect hotel and boarding house keepers.

To prescribe the hours of service for railway employees operating trains.

To establish State board of equalization for the assessment of real estate.

To regulate the hours of the labor of children in factories.

To amend the landlord and tenant law.

To so amend the general road law that county commissioners can let the working of roads by contracts by sections.

To enable the State to make proof of the possession of whiskey licenses, issued by the government in prosecuting offenders.

To limit the poll tax to \$2 in cities and towns.

To provide for the display of the State flag on all court houses, schools and other public buildings.

To exclude minors under 18 from pool rooms, bar rooms, etc.

To prohibit corporations from preventing public improvements by other corporations by preventing occupancy of land for right-of-way.

To place all telephone lines under the corporation commission.

To promote the oyster industry.

To punish fraud in giving worthless checks, drafts and orders.

To create the office of fish commissioner.

To require express companies to pay claim for loss or damage to property.

To secure immigration in North Carolina; appropriating \$10,000, half from the State, half from the agricultural department.

To secure a statue of Zeb Vance to be placed in statutory hall at the Capitol at Washington.

To fix the salaries of State officers and to require fees to be turned into the State Treasury.

To make general election day a legal holiday.

To make the pension appropriation \$400,000, an increase of \$125,000.

There were bills of course, carrying increased appropriations for all the State institutions, some forty in number.

#### Insurance Legislation.

A great many insurance bills were introduced but only a small percentage of these passed. Those which did pass are as follows:

To amend the Revised by allowing companies having over \$100,000 capital to invest the excess in such manner as the insurance commissioner approves.

To regulate the use of the reserve of life companies by allowing it to be used for re-insurance, to be available in case of the insolvency of the company.

To define fraternal orders.

To prohibit the application of the iron safe clause to buildings and fixtures.

To prevent the diversion of funds

in insurance companies for political purposes.

To require fire insurance companies to furnish blank proofs of loans in case they demand such proof.

To regulate the form of life insurance contracts by requiring the form of all policies under \$500 to be submitted to and approved by the insurance commissioner before the company can issue said policies, this act to be effective July 1.

To allow the insurance commissioner to employ an actuary and accountant to calculate and check up the books of the insurance companies.

To impose a general penalty for all provisions of the insurance law for which no special penalty has been imposed.

To provide for the volunteer firemen of the State in case of injury or sickness, due to service at fires by levying a tax of 1-2 of 1 per cent upon the premiums of fire insurance companies, but in order to secure this the town must comply with the fire waste law.

To declare that the agent of a life insurance company is the agent of the company and not of the policy holder.

### TRIAL OF JOSHUA HARRISON

Progress in Case For Kidnapping Son of Senator Beasley.

Elizabeth City, Special.—The trial of Joshua Harrison for the kidnapping of the young son of Ex-State Senator Beasley began here last week and is attracting a great deal of attention. Mr. J. W. Poyner testified on Saturday. His testimony was along the line of previous witnesses, and dealt with the location and the search by which the prosecution intends to disprove the drowning theory.

The prosecution produced more tangible evidence when Mr. Millard Morrisette was called. He testified that he was on the road the day the boy disappeared; that he met a mule and buggy going at a rapid gait (description of mule and buggy tallies with Harrison's) that he saw a boy in the buggy, light complexion, had on blue cap (Kenneth wore blue cap); did not notice man particularly. His evidence was unshaken under cross examination by E. F. Aydt.

Mr. J. L. Turner next testified that he crossed the road on that day in front of a mule and buggy and saw man throw blanket around boy. Spoke to man and called him. Mr. Turner saw boy's legs through crack in curtain; had on blue stockings (Kenneth had on blue ones.) A severe cross-examination by ex-Governor Aycock failed to shake evidence.

Mr. Perry next testified that he saw the mule and buggy on that day; the man had a storm blanket over a lump of something; heard a soothing voice saying, "Here, there," believes voice was Harrison's. The cross-examination failed to shake his evidence.

Mr. J. J. Pierce next testified that he lived in Norfolk at the time; saw boy on the street car with two young men, one drunk; recognized him and said "Hello, Kenneth," boy never spoke; had not heard of boy's disappearance at the time; communicated with boy's father. The cross-examination failed to shake evidence.

Mr. A. L. Evans next testified that he heard Harrison say that Mr. Beasley ought to be tarred, feathered and tied to a stake, and that he would like to apply the torch.

At the afternoon session of the trial of Joshua Harrison, convening at 2:30 p. m., the first witness was T. L. Baum, who said he had lived in Currituck county all his life and that he was well acquainted with Joshua Harrison. Witness said that after the disappearance of Kenneth Beasley Harrison spoke to him about the matter several times and would always broach the subject as soon as they got together. Witness said he cautioned Harrison about his rash statements, to which he replied: "It's catching before hanging," and that he believed witness was his friend and would swear to a lie to save him; that some time after this witness and a colored man went to Harrison's for some wine and Harrison asked witness if he knew why Beasley was not going to the Legislature. Witness replied that he did not, whereupon Harrison said: "Well, I do, I am responsible for it."

Witness replied: "I will give you credit for it, just like I gave you credit for the disappearance of the Beasley boy."

Harrison replied: "So you give me credit for that?"

Witness replied: "I do."

"I will acknowledge, then," said Harrison, "that I am responsible for it."

After the prosecution rested its case Saturday the defense introduced a number of witnesses among whom were Joe Harrison, Tomas Harrison, sons of the accused man, and his wife. Their evidence tends to show that the defense will try to prove an alibi.

Mr. Mathias Dudley and Mr. Mercer testified that they had met a mule and buggy in the road but did not know the man driving. Were positive it was not Harrison.

### MERELY AN EXCHANGE.

"No," snapped the sharp-faced woman at the door, "I ain't got no food for you 'an' I ain't got no old clothes. Now git!"

"Lady," replied Harvard Hasben, "I could repay you well. Give me a square meal and I'll give you a few lessons in grammar."—Philadelphia Press.

# THE RAILWAY RATE LAW

## Full Text of the Measure Limiting Passenger Fares to 2 1-4 cents per Mile.

While railroad officials and railroad attorneys are not having anything to say about the probable action of the transportation companies in regard to the new 2 1-4 cent rate adopted by the General Assembly, the belief is strong that they will resist it in the Federal courts on the ground that it is confiscatory. Indeed, it is said that the matter will be taken up before the law becomes effective and there are many who express the opinion that passengers will not ride on the cheap rate this year.

The new law, which should go into effect the 1st of July, follows: "The General Assembly of North Carolina do enact:

Section 1. That no railroad company doing business as a common carrier of passengers in the State of North Carolina, except as herein-after provided, shall charge, demand or receive for transporting any passenger, and his or her baggage not exceeding in weight 200 pounds, from any station on its railroad in North Carolina to any other station on its said road in North Carolina, a rate in excess of two and one-quarter cents per mile, and for transporting children twelve years of age or under, one-half of the rate above described: Provided, that the corporation commission of North Carolina is hereby authorized and empowered to permit all independently owned and operated railroad companies in North Carolina whose mileage of road is sixty miles or under, to charge a rate for transporting passengers not in excess of the present rate fixed and prescribed for said road; and also to permit all railroads constructed within the twelve months preceding the first day of January, 1907, or at that time in course of construction, for a term of two years from and after July 1, 1907, and also such railroads as may be constructed within two years from January 1, 1907, to charge such rate in excess of the rate above prescribed as the said commission may determine to be reasonable. A charge of ten cents may be added to the fare of any passenger when the same is paid upon the cars, if a ticket might have been procured within a reasonable time before the departure of the train; and no railroad company shall be required to accept a single fare of less than five cents.

"Sec. 2. In the case that any railroad company operating as a common carrier of passengers in the State of North Carolina is owned, controlled or operated by lease or other agreement by any other railroad company doing business in said State, the rate for carrying passengers thereon as prescribed by this act shall be determined for said railroad by the rate prescribed by this act for the railroad company which owns, controls or operates the same; and the North Carolina corporation commission shall publish the rates fixed by this act for the several railroad companies operating in this State, on or before the first day of June, 1907.

"Section 3. That mileage books of 1,000 miles in each book shall be kept on sale at such railroad ticket offices in North Carolina as shall be named and designated by the corporation commission of North Carolina, and when such mileage book is purchased it shall be good in the hands of any person or persons named therein on all railroads on which the fare is the same as or less than the fare on the road of the company selling such mileage book; and when the mileage book is detached from said book by any other railroad company than the one which sold it, the said mileage book shall be redeemable on demand by the railroad company which sold it.

"Sec. 4. That any railroad company violating any provision of this act shall be liable to a penalty of \$500 for each violation, payable to the person aggrieved by such violation, and recoverable in an action to be instituted in the name of said person in any court of this State having competent jurisdiction thereof. And any agent, servant or employee of any railroad company violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

"Sec. 5. That any person or persons, except those permitted by law, who accept free transportation shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

"Sec. 6. That section 2618 of the all laws and clauses of laws in conflict with this act are hereby repealed.

"Sec. 7. That this act shall be in force from and after July 1, 1907."

### Telegraphic Ticks.

Fletcher Harris was sentenced at Danville to two years in the penitentiary for robbing the dead body of J. M. Thomas, of Roanoke.

A continuous legal battle marked the Thaw trial, in which District Attorney Jerome was defeated on nearly all points.

The courts decided against Abraham Ruef on several points.